



CITY OF ATLANTA

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MAYOR


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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-14 for Text Amendment to the Zoning Ordinance for Definition of Window Signs, etc.

DATE: May 1, 2014

An ordinance by councilmember Keisha Lance Bottoms to amend the sign ordinance of the City of Atlanta, Chapter 28a of the Atlanta Zoning Ordinance, as amended, to define the term "window sign", to require window signs to obtain sign permits if visible from the public rights of way, to regulate the time, place and manner in which window signs shall be permitted; and for other purposes.

In an effort to allow for further discussion with business stakeholders, the author of this paper has requested a deferral of the public hearing.

STAFF RECOMMENDATION: 30 DAY-DEFERRAL-JUNE 2014

cc: James Shelby, Commissioner, DPCD



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MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-14-05 for Text Amendment to the Zoning Ordinance for Urban/ Market Gardens

DATE: May 1, 2014

AN ORDINANCE BY ZONING COMMITTEE TO AMEND VARIOUS SECTIONS OF THE ATLANTA ZONING ORDINANCE FOR THE PURPOSE OF DEFINING URBAN GARDENS AND MARKET GARDENS AS A PERMITTED USE; TO PROVIDE WHERE AND UNDER WHAT CONDITIONS SUCH USES SHALL BE PERMITTED; AND FOR OTHER PURPOSES..

FINDINGS OF FACT:

- **Property location:** Since no specific Urban/Market Gardens are being proposed, these considerations are not applicable. However, these regulations would only apply to properties located within zoning districts where these gardens would be permitted.
- **Property size and physical features:** There would be no predictable effect on public facilities and services since Urban/Market Gardens would not require changes to infrastructure. Furthermore, no actual garden locations are being proposed with the adoption of these regulations.
- **CDP land use map designation:** Since no development projects are being proposed, these considerations are not applicable. There are no proposals to change the CDP land use designations.
- **Current/past use of property:** Since no actual Urban/Market Gardens are being proposed, these considerations are not applicable.
- **Surrounding zoning/land uses:** Since no actual Urban/Market Gardens are being proposed, these considerations are not applicable.
- **Transportation:** Since no actual Urban/Market Gardens are being proposed, these considerations are not applicable.

PROPOSAL:

The City of Atlanta desires to increase access to healthy, local, and affordable foods; encourage community-building; and support local agriculture and economic development. In an effort to address this identified need, this proposal has been put forth to amend the zoning ordinance to allow certain private property throughout the City of Atlanta to be used for community gardening. The legislation was drafted with assistance from Emory University's Turner Environmental Law Clinic, Atlanta Local Food Initiative, and the non-profit Georgia Organics. In addition, best practice research from other cities and municipalities across the country was also conducted.

Currently there are no established terms and definitions in the City of Atlanta's Zoning Ordinance that identify an area designated for gardening by one of more individuals as an allowable use on private property. This text amendment proposes to modify and revise certain provisions of the City of Atlanta's Zoning Ordinance that pertain to Chapter 28 and the following zoning districts:

- Residential Limited Commercial (RLC)
- Office Institutional (O-I)
- Commercial (C-1 through C-5)
- Industrial (I-1 and I-2)
- Planned Developed Districts (PD-MU, PD-PB and PD-OC)
- Neighborhood Commercial (NC)
- Live Work (LW)
- Mixed Residential Commercial (MRC)
- Special Public Interest (SPI) districts
- Multi-family Districts (RG and MR)
- Single Family and Two Family Districts (R-1 through R-5)

The proposed changes can be summarized as follows:

1) Creation of Definitions: new terms for Urban Gardens and Market Gardens.

- Urban Garden: A lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, farming, community gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community use, consumption, off-site sale, or off-site donation. No onsite sales are permitted. In residential zoning districts, Urban Gardens are permitted as an accessory use to any structure that serves as a permitted principal use, and Urban Gardens may be allowed as a principal use on undeveloped lots by a Special Administrative Permit (SAP) in accordance with Sec. 16-25.004. In all other zoning districts (non-residential), Urban Gardens are allowed as a principal or accessory use without an SAP, unless otherwise expressly stated by that particular zoning district's regulations. The term Urban Garden does not include gardens located on lots with residential structures and grown for personal use of the residents of those lots.
- Market Garden: A lot, or any portion thereof, managed and maintained by a person or group of persons for growing and harvesting, farming, community gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for community supported agriculture or on-site sales. All products sold on-site must be grown on-site. In residential districts, a Market Garden is permitted as an accessory use on certain institutional lots. A Market Garden is permitted as a principal or accessory use in all other zoning districts.

- 2) Identification of structures that are associated with these gardens: hoop-houses, greenhouses, trellises, raised beds, tool sheds, and any other structure used by the Urban Garden for the purposes set forth in Section 16-29.001 (80)(a) are expressly allowed.
- 3) Guidelines for garden machinery: When not in use, all such machinery and equipment (with the exception of machinery and equipment that is (i) intended for ordinary household use, (ii) borrowed or rented for a period not to exceed seven (7) days, or (iii) located in an Urban Garden in I-1 Light Industrial District or I-2 Heavy Industrial District) shall be stored so as not to be visible from any public street, sidewalk, or right-of-way. .

4) Identification of permitted zoning districts:

Urban Gardens:

- All commercially zoned property, and
- Residentially zoned property (single-family, multi-family, SPI districts – residential areas) with an approved **Special Administrative Permit (SAP)**.

Market Gardens:

- All commercially zoned property, and
- Residentially zoned property (single-family, multi-family, SPI districts – residential areas) only **used by schools or churches, synagogues, temples, mosques and other religious worship facilities.**

5) Establish parking requirements:

Urban Gardens:

None.

Market Gardens:

In zoning districts where there is no minimum parking requirement, there shall be no parking required. In all other districts, the Market Garden shall provide parking during the hours of operation at a rate of a minimum of two (2) customer parking spaces, and a minimum of one (1) garden personnel parking space, in any one or combination of the following means:

- i. *On-site parking(existing)* shall be applicable toward meeting the required parking.
 - ii. *Off-site parking* within 500 feet shall be applicable toward meeting the required parking.
- Legal on-street parking spaces shall also be eligible as off-site parking.

- 6) SAP permitting: Establish a clear Special Administrative Permit (SAP) process and the minimum criteria under which such markets may operate.
 - Permit duration: SAP permits for Urban/Market Gardens would be valid for one year.
 - Submission requirements: Establish minimum permit submission requirements (e.g. applicant contact information, site plan layout, project summary, management plan, etc.)
 - Code enforcement: Planning Director may revoke an approved SAP for a Farmers' Market if applicant is found guilty in the Atlanta Municipal Court for zoning violations. If revoked, the permittee may not apply for an Urban/Market Garden SAP for six (6) months from date of revocation.

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed legislation to amend the Zoning Ordinance would not change the current land use designation of properties nor affect the timing of development for any proposed projects since no specific Urban/Market Gardens are contemplated.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** Since no development projects are being proposed as part of the zoning text amendment, these considerations are not applicable.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Since no development projects and or community gardens are being proposed as part of this zoning text amendment, these considerations are not applicable. Urban Gardens are allowed in all zoning districts. Market Gardens are commercial uses that are mostly only allowed on commercial properties, with the exception of those institutional, religious, and school uses for which an accessory use is the only option.
- 4) **Effect on character of the neighborhood:** Many neighborhoods throughout the City are food deserts and lack grocery stores. Staff is of the opinion that the proposed text amendment would increase community access to fresh, healthy, and affordable foods by allowing the sale of such goods on private property within their neighborhoods while still protecting the aesthetic environment and public safety of neighborhoods throughout the City.
- 5) **Suitability of proposed land use:** Although there would be no change in land use pertaining to the development of the property, Staff is of the opinion that the proposed text amendment would be compatible with land uses allowed in each zoning district being amended.
- 6) **Effect on adjacent property:** Since no specific Urban/Market Gardens are being proposed as part of this zoning text amendment, these considerations are not applicable. However, the legislation requires Urban/Market Gardens to meet certain criteria and limits some hours of operation. As such, Staff is of the opinion that the proposed text amendment to the zoning ordinance would have a positive impact on adjacent properties.
- 7) **Economic use of current zoning:** Since no development projects are being proposed as part of this zoning text amendment, these considerations are not applicable. However, the allowance of Urban/Market Garden within neighborhoods provides for economic opportunities for local food producers to sell directly to residents in permitted locations, and to make healthy food more accessible and affordable to local residents.
- 8) **Compatibility with policies related to tree preservation:** Since no development projects are being proposed as part of this zoning text amendment, these considerations are not applicable. Urban/market gardens are intended to be low-intensity uses requiring minimal changes to a property, however, should there be any impacts on trees when a property owner decides to provide for a farmers' market, compliance with the City of Atlanta's Tree Ordinance is required.

STAFF RECOMMENDATION: APPROVAL.

cc: James Shelby, Commissioner, DPCD



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: **Z-14-14 text amendment to the Sign Ordinance for the Historic Sears Roebuck & Co. building at 675 Ponce de Leon Avenue**

DATE: May 1, 2014

An ordinance to amend Part 16, Chapter 28A of the 1982 Zoning Ordinance of the City of Atlanta, as amended, so as to create a new Section 16-28A.010(51) to provide for comprehensive signage regulations for the historic Sears Roebuck & Co. Sign District; to amend the official zoning map to add the Historic Sears Roebuck & Co. Sign District; and for other purposes.

FINDINGS OF FACT:

- **Property location:** The text amendment is for the subject property that is bounded by Ponce de Leon Avenue, Glen Iris Drive, North Avenue and the Beltline and is located in the Old Fourth Ward Neighborhood of NPU-M, Council District 2.
- **Property size and physical features:** The subject property is approximately 16.2 acres in size and is relatively flat, sloping downward slightly towards the Beltline on the east. It contains several buildings, including the historic Sears Roebuck & Co. building, the Service building, and the Beltline Shed building.
- **CDP land use map designation:** The land use designation is Mixed-Use. There are no proposals to change the CDP land use designations.
- **Current/past use of property:** The property has most recently been used predominantly as office space as the former City Hall East building. The property is being redeveloped into a mixed-use development comprised of a combination of residential, office, retail and other commercial uses, in accordance with the applicable MRC zoning district regulations.
- **Surrounding zoning/land uses:** Surrounding land uses include commercial retail, restaurant, personal service establishments, supermarket, car wash, office, single-family and multi-family residential uses.
- **Transportation:** The property is adjacent to two arterial streets Ponce de Leon Avenue and North Avenue and a collector street Glen Iris. MARTA bus service is provided on these corridors. However, the text amendment pertains to signage and therefore, these considerations are not applicable.

PROPOSAL:

The text amendment to the sign regulations would create a new Section (51) in the sign ordinance establishing a *Sign District* for the Historic Sears Roebuck & Co. property currently known as 675 Ponce de Leon Avenue where a brick structure was constructed in 1926 and later expanded to house the operations of Sears Roebuck & Co. and which later became known as City Hall East. The boundaries of the *Sign District* are Ponce de Leon Avenue, Glen Iris Drive, North Avenue and the Beltline, which are shown on a map attachment to be adopted as part of the legislation. The signage regulations are intended to address the specific and unique building forms, mass, and scale of the *District* and regulate the size and location of signs so as to allow signs which are part of a “Sign Plan” prepared for the *District* and approved by the National Park Service while accomplishing the goals of the City’s Sign Ordinance. General advertising signs would be prohibited. The legislation includes a “Sign Plan” to identify signage locations and illustrate examples of signage types. The legislation would regulate business identification signs within the *Sign District* by:

- 1) Creating definitions for signage not currently defined in the City’s Sign Ordinance
- 2) Restricting the number, size, and location of the following signs on each building facade:
 - a) Blade signs
 - b) Building Signature signs
 - c) Extended signs
 - d) Historic Etched signs
 - e) Historic Iconic Rooftop signs
 - f) Incidental signs
 - g) Projecting and Canopy signs
 - h) Wall signs
- 3) Identifying the location, size and number of allowed:
 - a) Monument signs
 - b) Pylon signs
- 4) Prohibiting general advertising signs, animated, flashing and changing signs, and free-standing signs other than incidental signs and monument and pylon signs specified in the “Sign Plan.”

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed legislation to amend the Sign Ordinance would not change the current land use designation of the property nor affect the timing of the redevelopment of the property; therefore this consideration is not applicable.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** The zoning text amendment pertains to signage; therefore these considerations are not applicable.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** This zoning text amendment pertains to signage and does not affect the existing or proposed land uses allowed by the MRC zoning district. Therefore, these considerations are not applicable.

- 4) **Effect on character of the neighborhood:** The redevelopment of the property will have a positive effect on the character of the neighborhood. Staff is of the opinion that the proposed text amendment would allow for sign opportunities that provide reasonable identification of buildings and tenants within each building on the property while protecting the aesthetic environment and public safety in Atlanta.
- 5) **Suitability of proposed land use:** Although there would be no change in land use pertaining to the development of the property, Staff is of the opinion that the proposed text amendment would be compatible with land uses permitted in the zoning district for this property and by allowing appropriate signage for such uses.
- 6) **Effect on adjacent property:** The redevelopment of this property would have a positive effect on adjacent property. Staff is of the opinion that the proposed text amendment to the sign ordinance would enhance the aesthetic appeal of the property and provide for appropriate tenant identification which is critical for the success of a development of this size.
- 7) **Economic use of current zoning:** The proposed text amendment pertains to signage and not land uses; however, signage is critical to identifying building tenants to the general public to enable their economic success.
- 8) **Compatibility with policies related to tree preservation:** The text amendment pertains to the sign ordinance; therefore these considerations are not applicable. However, should there be any impacts on trees when new signage is proposed, the applicant would be required to comply with the City of Atlanta Tree Ordinance.
- 9) **Other considerations:** Staff is of the opinion that the proposed sign ordinance text amendment is in keeping with the purpose, intent, and regulations of the MRC zoning district to encourage successful mixed-use developments which are further enhanced with appropriate signage regulations that allow identification of buildings and tenants. However, the scale, mass, height and configuration of the Sears Roebuck & Co building having four primary building facades and the need to preserve its historic nature create unique challenges for the successful economic redevelopment of the property and meet the requirements of the National Park Service. The sign text amendment would enable the development to become an asset to both the surrounding neighborhoods and the City as a whole.

STAFF RECOMMENDATION: APPROVAL OF SUBSTITUTE ORDINANCE

The Substitute Ordinance makes the following revisions:

- 1) Narrows the definition of "extended sign."
- 2) Adds the concept of "property owner sign" to clarify that sign structures authorized by the "Sign Plan" and not in use by tenants may be used by the property owner to identify the building or events held within the *Sign District*.
- 3) Deletes "marquee sign" as a permissible sign.
- 4) Limits the number of business identification signs per tenant to the number allowed in the MRC district.
- 5) Clarifies the use of "building signs."
- 6) Specifies that a business identification sign may be located other than on the premises of the business if authorized in the Sign Plan and approved by the property owner.
- 7) Further defines and limits the location of monument signs.
- 8) Defines and limits the manner in which signs may be illuminated.
- 9) Reorganizes the "Sign Plan" to depict each type of sign more clearly.
- 10) Reorganizes the "Sign Legend" to clarify the maximum number of each sign by building façade.

cc: James Shelby, Commissioner, DPCD



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CHARLETTA WILSON JACKS
DIRECTOR

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-14-03 for 2363 Burroughs Avenue, S.E.

DATE: May 1, 2014

An Ordinance by Zoning Committee granting a Special Use Permit under the provisions of Section 16-06.005 (l) (g) for a **PERSONAL CARE HOME**.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 150 feet on the west side of Burroughs Avenue, approximately 261 feet from the northeast intersection of Burroughs Avenue and McWilliams Road. The property is within the Lakewood neighborhood of NPU-Z, in Council District 1.
- property size and physical features: The subject property is an abnormal L-shaped lot consisting of approximately 36,318.31 sq. ft upon which a one-story single-family house sits about 38.8 feet from the street. The house is situated on the left (south) side of the lot, and there is an existing driveway curb-cut on the southern edge of the lot. The house sits on topography that is mostly level with the street grade from the street to the front of the house, but it begins to gradually decline towards the rear of the lot. The rear of the house has a small deck and concrete walkway/patio. There are several large mature trees in the front and rear yards. The remaining larger section of the property to the north is wooded and undeveloped.
- current/past use of property: The property was formerly used a single-family house; it does not appear to currently be occupied.
- surrounding zoning/land uses: The subject property is located within a large R-4 single-family zoned district, with a single-family residential land use designation. .

- **transportation system:** There is at least one Marta bus stop within 1,500 feet of the subject lot.

PROPOSAL:

The applicant proposes to establish a personal care home in an existing single-family house and neighborhood.

- **Ingress and egress:** Ingress and egress to the property is provided by an existing driveway off of the fronting Burroughs Avenue, which will be utilized by employees, client, visitors, and emergency vehicles to enter and leave the property. Traffic congestion is not anticipated through the usage of the existing access location.
- **Parking and loading:** The facility operator will dispose of refuse by utilizing the public City of Atlanta sanitation service. It will be picked up on scheduled days from the front of the facility. Products and supplies will be delivered by utilizing the driveway. A maximum of two cars will be parked onsite. Emergency and service personnel (such as electric and gas) will utilize the driveway to gain access to the facility for routine maintenance. Employees will gain access to the facility by utilizing the driveway and will have access to parking in the front and rear of the facility. The residents will be provided transportation by the staff.
- **Buffering and screening:** No unusual noise or glare from lights will be generated from the facility. Approximately 2-3 vehicles will travel to and from the site daily. The facility would not generate heavy traffic, and so no plans are necessary to make any road improvements.
- **Hours and manner of operation:** The site will be used as a Personal Care Home in which trained staff will supervise and provide daily oversight and assistance for general living activities to the residents. Examples of these activities are eating, bathing, grooming, dressing, bathroom assistance, laundry, and supervision of medications. The resident will be clients who desire a home-style setting, and would like to still remain active and independent. The facility will have five (5) bedrooms designated for the residents of the facility, and there will always be a staff person onsite. The facility will be operated by staff 24 hour, 7 days a week, and will have a total of six staff persons on rotating shifts throughout the week. There will be a maximum of 2 employees onsite per shift, and the shifts will be as follows: (1) 6 am-6 pm; (2) 6 pm – 6 am. There will be a maximum of 6 residents between the ages of 45 and older. Staff will prepare at least 3 meals per day with at least 2 snacks intermittently during the day. No special programs will be offered at the facility.
- **Duration:** The special use permit is being requested for an indefinite period of time.
- **Required yards and open space:** No structural additions are proposed for the yard; the existing structures on the lot will be used for all activities. However, two parking spaces are indicated as being proposed in the front yard, which must have Board of Zoning Adjustment approval.

- **Tree Preservation and Replacement:** There are no trees proposed for removal at this time.

CONCLUSIONS:

a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The existing layout of the property appears to provide adequate room for vehicular ingress and egress. The property is directly accessible from the street with a minimum 10-ft. wide driveway extending to the rear of the house, and there is no adverse topography that negatively affects pedestrian or vehicular access. However, there does not appear to be a pedestrian walkway connecting the front entrance to the driveway.

b) **Off-street parking and loading:** The applicant is proposing 5 parking spaces in the rear yard and two spaces in the front yard, which appears excessive given that the client's transportation needs will be handled by the facility's employees. Staff feels that the required 3 parking spaces and existing driveway should be sufficient for parking as well as temporary loading.

c) **Refuse and service areas:** The applicant plans to continue to use the trash containers for public City of Atlanta sanitation service, which should be sufficient for the proposed personal care home.

d) **Buffering and screening:** There are no lighting additions proposed for the facility that would require screening or buffering, and there likely not be any noise generated by the residents, especially due to the fact that they will be middle-aged to seniors.

e) **Hours and manner of operation:** This appears a "low-intensity" personal care home for clients who do not require excessive on-site activities, which could be disruptive to the neighborhood. The proposed hours and manner of operation appear reasonable and have a basic structure and schedule which would meet the needs of the clients. A staff person will be onsite at all times to assist the clients when it is needed.

f) **Duration:** Staff recommends the permit be valid for a maximum of 3 years, after which the applicant has the opportunity to file application to renew the Special Use Permit.

g) **Compatibility with policies related to tree preservation:** There are no trees which will be impacted by the proposed salvage yard facility, but any additional tree improvements will be addressed by the City of Atlanta arborist.

h) **Required yards and open space:** The facility does not propose any new structures that would require open space or setbacks encroachments to be addressed, but any

parking pads in the front yard as is indicated on the proposed site plan will need approval by the Board of Zoning Adjustment.

STAFF RECOMMENDATION: APPROVAL, conditioned on the following:

- 1) This permit shall be valid for a duration of 3 years, and as long as LaTanya Burton remains operator of the facility.
- 2) A site plan with at least 3 parking spaces in the rear yard shall be subject to the approval of the Director of the Office of Planning and approval by the Office of Traffic and Transportation.
- 3) A concrete or asphalt walkway shall be provided from the front patio to the adjacent driveway.

cc: James Shelby, Commissioner, DPCD